

JAN 19 2006

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CARLOS DE LA PUENTE,
Petitioner,

v.

UNITED STATES OF AMERICA,
B. A. BLEDSOE, WARDEN,
Respondent.

Civil Action No. 7:06-cv-00019

FINAL ORDER

By: Hon. James C. Turk
Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2241, which the court construes as a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255, shall be and hereby is **DISMISSED** without prejudice as successive, and the action is hereby stricken from the active docket of the court.

ENTER: This 18th day of January, 2006.

[Signature: James C. Turk]
Senior United States District Judge